

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

2006 MAY 16 A 11: 05

NC-WC LP,

Plaintiff,

v.

DAVID STIVARIUS, MALISSA
ADELL LEE, DELTA PROPERTIES,
ALAN K. FLEMING
and UNITED STATES DEPT. OF
TREASURY - INTERNAL REVENUE
SERVICE,

Defendants.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO. 3: 06CV 440

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NOTICE OF REMOVAL

Petitioner, Internal Revenue Service, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, respectfully petitions for removal of this action from the Circuit Court of Lee County, Alabama, to the United States District Court for this District, and in support thereof, represent the following:

1. That Petitioner, Internal Revenue Service, is a named Defendant in the above-captioned civil action which is pending in the Circuit Court of Lee County, Alabama, Civil Action No. 2006-CV-186. Copies of all process, pleadings, and orders served upon Defendants in such action are attached hereto.

2. That the above-captioned action is one which may be removed without bond to this court pursuant to 28 U.S.C. §§ 1444 and 2410(a), for the reasons that: (a) this action involves the foreclosure of a mortgage or other lien upon real property on which is

SCANNED
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subject to a lien of the Internal Revenue Service, and (b) Defendant, Internal Revenue Service, is an agency of the United States.

WHEREFORE, Petitioner prays that said action be removed from the Circuit Court of Lee County, Alabama.

DATED this 16th day of May, 2006.

LEURA G. CANARY
United States Attorney

By: 

R. RANDOLPH NEELEY
Assistant United States Attorney
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Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Notice of Removal upon all interested parties by mailing a copy of same, first class, postage prepaid, addressed as follows:

Gary S. Olshan, P.C.
P.O. Box 3020
Birmingham, Alabama 35202


David Stivarius
180 Lee Road 845
Valley, AL 36854

Malissa L. Hagler
616 26th St, #A
Columbus, GA 31904-8531

Alan K. Fleming
6261 Seminary Road
Columbus, GA 31904

Delta Properties
407 7th Street
Tallasse, AL 36078

Dated this the 16th day of May, 2006.


Assistant United States Attorney